

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

United States

v.

Case No. 10-cv-590-LM

J.A. Greenwood Roofing

O R D E R

On December 21, 2010, the United States of America ("plaintiff") filed a complaint against J.A. Greenwood Roofing ("defendant") (doc. no. 1). The complaint seeks to enforce civil penalties imposed by the Occupational Safety and Health Administration totaling \$25,035.05 against defendant. On January 31, 2011, plaintiff filed a return of service (doc. no. 4), stating that defendant had been served. The certificate of service (doc. no. 4-1) indicates that, on January 19, 2011, the sheriff's office served defendant "by delivering to and leaving with [defendant] personally a true copy thereto, said person being known or identified to me as the person mentioned and described therein."

On February 10, 2011, John Greenwood filed an answer on behalf of defendant. In the answer, John Greenwood denied that plaintiff had served defendant and stated: "Defendant served is John A. Greenwood, a person who resides at 6 Kimball Road, Londonderry, New Hampshire 03053." John Greenwood signed the answer using the same address.

Based upon the record, the court is not persuaded that plaintiff has made adequate service of process on defendant. On or before April 14, 2011, plaintiff shall file sufficient proof to show that the individual served with the complaint is the proper recipient of service for defendant under the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 4(e) & (g) (setting forth service requirements for individuals and corporate defendants).

The court vacates the order entered on February 17, 2011 (doc. no. 7), directing counsel to file an appearance on behalf of defendant. Once the record is clarified as to the nature of the business entity being sued, and the adequacy of service of process, the court will examine the applicability of Local Rule

83.6(c) to determine whether Mr. Greenwood may answer pro se for defendant in this matter or whether counsel must appear for defendant.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

Dated: March 24, 2011

cc: Michael T. McCormack, Esq.
J.A. Greenwood Roofing